

AMENDED IN ASSEMBLY JUNE 2, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**Assembly Joint Resolution**

**No. 42**

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**Introduced by Assembly Member Williams**  
**(Principal coauthor: Assembly Member Alejo)**  
(Coauthor: Senator Monning)

March 24, 2014

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Assembly Joint Resolution No. 42—Relative to indigenous peoples.

LEGISLATIVE COUNSEL’S DIGEST

AJR 42, as amended, Williams. Indigenous peoples: declaration of rights.

This measure would express the Legislature’s endorsement ~~of, and commitment to,~~ of the principles of the United Nations Declaration on the Rights of Indigenous Peoples. *The measure would, among other things, also call for increased awareness, sensitivity, and respect for issues of sovereignty related to the heritage of Native Americans and indigenous peoples.*

Fiscal committee: no.

- 1 WHEREAS, The United Nations General Assembly adopted  
2 the United Nations Declaration on the Rights of Indigenous Peoples  
3 on September 13, 2007, establishing a new systemic standard of  
4 recognition, respect, and protection for the rights of indigenous  
5 peoples of the world; and  
6 WHEREAS, The United Nations Declaration on the Rights of  
7 Indigenous Peoples was approved by the National Latino Congreso  
8 on January 31, 2010, in El Paso, Texas, and has been endorsed by

1 hundreds of Native American, Latino, and progressive community  
2 organizations across this country; and

3 WHEREAS, On November 5, 2009, at a historic summit in  
4 Washington, D.C., hosted by President Barack Obama, Chairman  
5 Joe Kennedy from the Timbisha Shoshone Tribe of the Western  
6 Shoshone Nation delivered a message on behalf of the indigenous  
7 peoples and nations of North America calling for immediate action  
8 by the President of the United States to support the United Nations  
9 Declaration on the Rights of Indigenous Peoples; and

10 WHEREAS, In December 2010, the United States announced  
11 support for the United Nations Declaration on the Rights of  
12 Indigenous Peoples. In announcing this support, President Obama  
13 stated: “The aspirations it affirms, including the respect for the  
14 institutions and rich cultures of ~~Native~~ *native* peoples, are ~~one~~ *ones*  
15 we must always seek to fulfill... What matters far more than any  
16 resolution or declaration, are actions to match those words.” The  
17 United Nations Declaration on the Rights of Indigenous Peoples  
18 addresses indigenous peoples’ rights to maintain culture and  
19 traditions (Article 11); to maintain religious traditions, customs,  
20 and ceremonies (Article 12); to participate in decision making in  
21 matters that would affect their rights (Article 18); and to maintain  
22 spiritual connections to traditionally owned lands (Article 25); and

23 WHEREAS, As of June 2013, the federal Advisory Council on  
24 Historic Preservation (ACHP) approved the United Nations  
25 Declaration on the Rights of Indigenous Peoples. ACHP will now  
26 incorporate the United Nations Declaration on the Rights of  
27 Indigenous Peoples in the review process of Section 106 of the  
28 National Historic Preservation Act; and

29 WHEREAS, The “Doctrine of Discovery,” emanating from the  
30 European ~~invasion and subsequent~~ colonization after 1492 of the  
31 continents later to be known as the Americas, has ~~served as an~~  
32 ~~instrument of dehumanization and genocide~~ *had profound and*  
33 *lasting negative effects on the cultures and populations* of the  
34 indigenous peoples and nations of the Americas; and

35 WHEREAS, The “Report of the Special Rapporteur of the rights  
36 of indigenous peoples, James Anaya, Addendum,” in  
37 recommending that the states of the United States develop state  
38 policies to promote the goals of the United Nations Declaration  
39 on the Rights of Indigenous Peoples, states the following:

~~“Although competency over indigenous affairs rests at the federal level, states of the United States exercise authority that in various ways affects the rights of indigenous peoples. Relevant state authorities should become aware of the rights of indigenous peoples affirmed in the Declaration on the Rights of Indigenous Peoples, and develop state policies to promote the goals of the Declaration and to ensure that the decisions of state authorities are consistent with it”; and~~

*WHEREAS, Although jurisdiction over indigenous affairs resides with the federal government, state governments exercise authority in areas that affect the indigenous peoples within the state. As such, state governments should be aware of the principles outlined in the United Nations Declaration on the Rights of Indigenous Peoples and consider these principles in the various decisions of state authorities; and*

WHEREAS, This resolution is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of California or its agencies, departments, entities, officers, employees, or any other person; ~~and now, therefore, be it~~

*Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of California expresses its endorsement of, and commitment to, of the principles of the United Nations Declaration on the Rights of Indigenous Peoples adopted by the United Nations General Assembly; Assembly, and recognizes the call for increased awareness, sensitivity, and respect for issues of sovereignty, sacred and historic sites and traditions, and other vital aspects of the heritage of Native Americans and indigenous peoples implicit in those principles, notwithstanding the nonbinding nature of the declaration; and be it further*

*Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President, Vice President, and Attorney General of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, the Legal Adviser to the United States Department of State, the United Nations High Commissioner for Human Rights, the Chair of the Human Rights Committee of the United Nations, and*

- 1 the United Nations Special Rapporteur on the rights of indigenous
- 2 peoples.

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